

pgf

## EVENT VIOLATIONS INSPECTORS STATEMENT

Company/Mine Lodestar Energy, Horizon Mine ~~NOV~~ CO # C02-46-1-1  
 Permit # C/007/020 Violation # 1 of 1

A. SERIOUSNESS

*Cessation Order (to cease discharge of the dirty water)*

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of events below and remember that the event is NOT the same as the violation. Mark and explain each event.

- ☒ a. Activity outside the approved permit area.
- ☐ b. Injury to the public (public safety).
- ☐ c. Damage to property.
- ☐ d. Conducting activities without appropriate approvals.
- ☒ e. Environmental harm.
- ☒ f. Water pollution.
- ☐ g. Loss of reclamation/revegetation potential.
- ☐ h. Reduced establishment, diverse and effective vegetative cover.
- ☐ i. No event occurred as a result of the violation.
- ☐ j. Other.

Explanation: Dirty mine water was observed discharging from the Horizon Mine undisturbed bypass culvert into Jewkes Creek on 3/15/2002 at approximately 10<sup>30</sup> AM. After taking a grab sample, the inspector decided to issue a verbal cessation to the permittee to cease all pumping to the outside.

2. Has the event occurred? Yes ☒ No ☐

— Yes: Describe it.

— No: What would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation:

→ To document the verbal CO, a written CO was prepared on 3/18/2002. Same was forwarded to the permittee, and the Division, SLO,

3. Did any damage occur as a result of the violation?

— No.

☒ Yes: Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: Mine sludge and coal fines are visible on the edges of flow path in Jewkes Creek both inside and outside of the permit boundary. DWR has reported that as of 3/22/02, no evidence of a fish kill exists.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss.)

- ( ) Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation:

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: The violation occurred because the permittee's management does not understand the implications and requirements of a UPDES permit. Dirty water was discharged because mine management felt that pumping directly from the section to outside would improve conditions to

~~( ) If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.~~

~~Explanation:~~

→ enhance production. The site is under pressure ~~for~~ from Lodestar corporate to show a profit or be shut down.

- ☒ Was the operator in violation of a specific permit condition?

Explanation: Yes. The water exceeded the maximum daily allowable limit for total suspended solids (70 mg/l) by 286 mg/l, per UPDES permit # UT6040000.

- ( ) Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation:

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Upon issuance of the verbal cessation order, Horizon management immediately took action to re-plumb the in-Mine pump system to redirect the section flow through the in-Mine sump, such that the suspended solids would settle out prior to the water discharging outside.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

The operator had all the necessary resources at the site to correct the plumbing problem. It took less than 30 minutes to correct the problem.

3. Was the submission of plans prior to physical activity required by this NOV/CO?  
Yes ☐ No ☒ If yes, explain.

Peter Hess  
Authorized Representative

Peter Hess  
Signature

3/22/2002  
Date